

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOUGLAS EL	:	CIVIL ACTION
	:	
Plaintiff	:	
v.	:	No. 02CV3591
	:	
SOUTHEASTERN PENNSYLVANIA	:	JURY TRIAL DEMAND
TRANSPORTATION AUTHORITY	:	
	:	
Defendant.	:	

SEPTA’S MOTION TO EXTEND CASE DEADLINES

Southeastern Transportation Authority (“SEPTA”) hereby moves the Court for an Order extending the case deadlines set by the Court for SEPTA to file its Amended Motion for Summary Judgment and expert reports and for Plaintiff to file its response to SEPTA’s Amended Motion for Summary Judgment. By this Motion SEPTA seeks a ten (10) day extension of these deadlines. In support of this motion, SEPTA states as follows:

1. On July 12, 2004, this Court entered an Order establishing deadlines for the submission of expert reports and the filing of SEPTA’s Amended Motion for Summary Judgment and Plaintiff’s response thereto. Pursuant to that Order, the following deadlines were set by the Court:

Plaintiff’s Expert Reports and CVs	July 14, 2004	SEPTA’s
Amended Motion for Summary Judgment	August 16, 2004	SEPTA’s Expert
Reports and CVs	August 16, 2004	Plaintiff’s Response to
SEPTA’s Motion	September 22, 2004	

2. On July 16, 2004, SEPTA received the Report of Dr. William B. Fairley dated July 15, 2004. Dr. Fairley is an expert retained by Plaintiff.

3. Upon review of Dr. Fairley's report, SEPTA determined that it required the deposition of Dr. Fairley to prepare its Amended Motion for Summary Judgment. Among other things, SEPTA requires information on the specific data that Dr. Fairley reviewed and relied upon in formulating his opinions to properly ascertain whether Plaintiff has met his prima facie case of disparate impact discrimination.

4. Thus, on July 27, 2004, SEPTA noticed the deposition of Dr. Fairley for August 6, 2004 and attached to the notice a document rider requesting that Dr. Fairley produce all records that were referred to in his report or were otherwise reviewed by him or relied on by him in formulating his opinions.

5. Six days later, counsel for Plaintiff notified SEPTA by letter that Dr. Fairley was unavailable for a deposition between August 6, 2004 and August 10, 2004. Counsel suggested that the deposition be held on August 17, 2004 or August 18, 2004 which is after the date that SEPTA's Amended Motion for Summary Judgment is due to be filed. A copy of the letter from counsel for Plaintiff is attached hereto as Exhibit 1.

6. Because the dates offered by counsel for Plaintiff were after the date set by the Court for SEPTA to file its Amended Motion for Summary Judgment, SEPTA agreed to take the deposition of Dr. Fairley on August 17, 2004 provided that Plaintiff agree to a 10 day extension for the filing of its Amended Motion for Summary Judgment and the submission of its expert reports and CVs. A copy of a letter dated August 3, 2004 from SEPTA to counsel for Plaintiff regarding these issues is attached hereto as Exhibit 2.

7. On August 5, 2004, SEPTA noticed the deposition of Dr. Fairley for August 12, 2004 because it did not receive any response to its request for a 10 day extension of the aforementioned deadlines. A copy of the Notice is attached hereto as Exhibit 3.

8. Thereafter, on August 5, 2004, counsel for Plaintiff notified SEPTA that counsel for Plaintiff was unavailable for a deposition between the dates of August 9, 2004 and August 12, 2004.

9. The parties subsequently agreed that the deposition of Dr. Fairley would be held on August 17, 2004 which is one day after the date that SEPTA's Amended Motion for Summary Judgment and expert reports are due to be filed.

10. As set forth above, the deposition of Dr. Fairley is required by SEPTA in order for it to complete its Amended Motion for Summary Judgment. Therefore, SEPTA respectfully requests that the deadlines set forth in the Court's Order dated July 12, 2004 be extended by ten (10) days.

11. Plaintiff does not oppose this motion.

Respectfully submitted,

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Dated: August 9, 2004